

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ANTONIO DUDLEY,	§	
TDCJ-CID NO. 567960,	§	
Petitioner,	§	
v.	§	CIVIL ACTION NO. H-13-3541
	§	
BRENDA HALL,	§	
Respondent.	§	

DISMISSAL ORDER

Petitioner instituted this civil action on December 3, 2013. (Docket No. 1.) On December 5, 2013, the Clerk notified Petitioner that his petition was deficient and instructed him to file a pauper's application and a certified trust fund account statement or the filing fee of \$5.00. (Docket No. 3.) Petitioner did not comply with the Notice of Deficient Pleading and the deadline for compliance has expired. Petitioner's failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995). Petitioner is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, it is ORDERED that this action be DISMISSED without prejudice for want of prosecution. All pending motions, if any, are DENIED.

SIGNED at Houston, Texas, on January 18, 2014.

Ewing Werlein, Jr.  
EWING WERLEIN JR.  
UNITED STATES DISTRICT JUDGE